

PATENT  
450100-03743

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Tomohiro Nishi, et al.  
Serial No. : 10/085,659  
Filed : February 26, 2002  
For : OPTICAL STATE MODULATION METHOD AND  
SYSTEM, AND OPTICAL STATE MODULATION  
APPARATUS  
Examiner : Yenke, Brian P.  
Art Unit : 2614  
Confirmation No. : 8660


745 Fifth Avenue  
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**FIRST CLASS MAIL CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1451, Alexandria, VA 22313-1451, on September 21, 2005.

Thomas F. Presson, Reg. No. 41,442

Name of Applicant, Assignee or Registered Representative

  
Signature

September 21, 2005

Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION AND STATEMENT UNDER  
37 C.F.R. § 3.73(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The below-named attorney of record, authorized to act on the behalf of the assignee of record, hereby disclaims the terminal part of the entire patent granted on the above-identified application, U.S. Serial No. 10/085,659 (hereinafter, "the '659 application"), which

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would extend beyond the expiration date of the full statutory term of United States Patent Application 10/385,225 (hereinafter, the '225 application), and hereby agrees that any patent granted from the '659 application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to '225 application. This agreement is to run with any patent granted on the '659 application and to be binding upon the grantee, its successors or assigns.

The undersigned attorney of record states that he is empowered to sign this Statement on behalf of the assignee, Sony Corporation, and the undersigned further states that 100% of the title to the '225 application is in Sony Corporation, a Japanese corporation, by virtue of an assignment by the inventor, which was recorded on March 10, 2003 in the U.S. Patent and Trademark Office at reel/frame 013870/0501.

The undersigned further states that 100% of the title to the '659 application is in Sony Corporation, by virtue of an assignment by the inventors, which was recorded on June 03, 2002 in the U.S. Patent and Trademark Office at reel/frame 012944/0411.

The evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title to the '659 application and the '225 application are in the assignee seeking to take action.

The below-named attorney of record does not disclaim any terminal part of any patent granted on the '659 application prior to the expiration date of the full statutory term of the '225 application, in the event that: said patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally


disclaimed under 37 C.F.R. 1.321(a); or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

A check in the amount of \$130.00 as payment of the Terminal Disclaimer fee is enclosed.

Please charge any insufficient fees, or credit any overpayment, associated with this Terminal Disclaimer to Deposit Account No. 50-0320.

Respectfully submitted,

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